

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BUILDING CODE APPEALS BOARD
DOCKET NO. 11-1034

Whitcomb Pines LLC,
Appellant

v.

Town of Scituate,
Appellee

BOARD'S DECISION ON APPEAL

Introduction

This matter came before the State Building Code Appeals Board ("Board") on Appellant's appeal application filed pursuant to G.L. c.143, §100 and 780 CMR 122.1 ("Application"). Appellant sought a variance from sprinkler requirements under the State Building Code with respect to a phased residential condominium development located at 150 Mann Lot Road, Scituate, MA.

Procedural History

On or about July 15, 2011, the Town of Scituate issued a letter to Appellant which stated:

On June 30, 2011, I issued a building permit to you to construct a three-unit Townhouse (R2) located at 6, 8 & 10 Alexander Place, Scituate, MA 02066 contingent upon your agreement to provide a sprinkler plan and install a sprinkler system in accordance with the Mass State Building Code, (IBC 903.2.8 as amended by SBC table 903.2) at the completion of the rough frame. Please be advised that you will be denied permission to insulate or cover any walls or ceilings until an approved sprinkler system has been installed.

The Board convened a public hearing on October 6, 2011, in accordance with G.L.c. 30A, §§10 & 11; G.L.c. 143, §100; 801 CMR 1.02; and 780 CMR 122.3. All interested parties were provided an opportunity to testify and present evidence to the Board.

Discussion

By way of background, the development consists of tri-plex buildings which have been constructed in phases for the condominium. The development plans included three-unit buildings because such did not require sprinkler systems for fire suppression. The site was not developed with a sprinkler infrastructure in mind and, given present market conditions, Appellant has had to significantly decrease the selling prices for each unit.

Appellant reported that the cost estimates for sprinkler systems are approximately \$12,000 to \$15,000 per unit (using NFPA 13D systems). (The last time Appellant constructed set of units for this condominium was in 2007, pursuant to the 6th Edition of the State Building Code.). Appellant

asserted that the additional costs for sprinkler systems would likely make further construction not cost effective (although the building for the three units had been framed). The Board noted that the Town would not oppose whatever decision the Board reached.

Conclusion

The Board considered a motion to allow a variance from 780 CMR 903.2.8 (Table 903.2), as amended by SBC and R313.1.1, with respect to only the three units in one building (6, 8, and 10 Alexander Place) ("Motion"). The Motion was **approved** by a two to one vote (Nunnemacher opposed).



H. Jacob Nunnemacher

Douglas Semple, Chair

Alexander MacLeod

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to Superior Court in accordance with G.L. c.30A, §14 within 30 days of receipt of this decision.

DATED: December 8, 2011